

REMARKS

Claims remaining in the present patent application are Claims 1 – 42.

35 USC § 102 Rejections

Claims 1-2, 4-9, 11, 13-14, 16-18, 20-23, 25-27, 29-32, 34-39 and 41-42 stand rejected under 35 USC § 102(b) as allegedly anticipated by Spencer et al. (US 5,603,021, "Spencer"). Applicants have reviewed the cited reference and respectfully assert that Spencer does not anticipate nor render obvious embodiments of the present invention as recited in Claims 1-2, 4-9, 11, 13-14, 16-18, 20-23, 25-27, 29-32, 34-39 and 41-42.

Applicants respectfully assert that Spencer does not teach or suggest "a first window for displaying selectable information in a hierarchical list format comprising recipe names" as recited by Independent Claim 1.

Applicants understand Spencer to teach "methods for assisting a user with composing spreadsheet formulas" (Abstract). As used in the present application, the term "recipe" is utilized as an industry standard term of art:

The Instrument Society of America (ISA) has standardized the term "recipe" to refer to these items. Standard ISA-S88 defines recipe as: "an entity that contains the minimum set of information that uniquely defines the manufacturing requirements for a specific product." (page 8 lines 22-24)

Applicants respectfully assert that the rejection improperly equates Spencer's "formulas" with the recited "recipe." Applicants respectfully assert that Spencer's "formulas" have nothing to do with "manufacturing requirements for a specific product." Rather, Spencer's "formulas" are directed to mathematical expressions in the context of a calculating program. Consequently, Applicants respectfully assert that the rejection's interpretation of the recited "recipe" is overbroad and improper.

For this reason, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Moreover, even if one did not consider the above referenced Instrument Society of America definition, Applicants respectfully assert that one of ordinary skill in the art would nevertheless understand a fundamental difference between a "recipe" as claimed and a "formula" as taught. For example, a recipe, or method of manufacture, is patentable subject matter, while a formula typically is not patentable by itself.

For these additional reasons, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Additionally, with respect to Claim 1, Applicants respectfully assert that Spencer does not teach or suggest a "second window comprising a first button" as recited by Independent Claim 1. Applicants respectfully assert that the rejection

improperly equates Spencer's "@" field with the recited "button." Applicants respectfully assert that one of ordinary skill in the art would recognize that Spencer's "@" field is a field for alphanumeric character input and not the claimed button as recited by Independent Claim 1.

For this still additional reason, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Further with respect to Claim 1, Applicants respectfully assert that Spencer does not teach or suggest the claim limitations of a "third window comprising a plurality of display portions for editing routing... contents of said selected recipe" as recited by Independent Claim 1. Applicants note that the rejection does not cite a portion of Spencer that allegedly teaches the recited routing contents of a recipe. Applicants respectfully assert that Spencer does not contain the terms "route" or "routing" or similar language.

For this yet additional reason, Applicants respectfully assert that Independent Claim 1 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 2-21 depend from Independent Claim 1. Applicants respectfully assert that these claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these claims.

With respect to Claim 2, Applicants respectfully assert that Spencer does not teach or suggest a “wherein said hierarchical list format is a tree structure comprising: project names; organization names; said recipe names; formula names; and routing names” as recited by Independent Claim 2. As the rejection improperly equates Spencer’s “formula” name with the recited “recipe name,” Applicants understand the rejection to improperly equate Spencer’s “formula” with both the recited “recipe name” and the recited “formula names.” Applicants respectfully assert that the single term from this single cited reference cannot teach two differentiated terms as claimed in the present application. Furthermore, Applicants respectfully assert that Spencer does not teach or suggest the recited “project names,” “organization names” or “routing names.” Spencer is silent as to all of these items.

For these additional reasons, Applicants respectfully assert that Claim 2 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

With respect to Claim 22, Applicants respectfully assert that this claim overcomes the rejections of record for the same rationale presented previously with respect to Claim 1. For this reason, Applicants respectfully assert that Claim 22 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Further with respect to Claim 22, Applicants respectfully assert that Spencer does not teach or suggest “a header window comprising: a name of said selected recipe; an associated routing name; and an associated formula name” as

recited by Independent Claim 2. Applicants respectfully assert that Spencer does not teach a recipe name and an associated formula name. Given the rejection's improper equating of the recited "recipe" with Spencer's "formula," even the rejection is silent as to an element of Spencer alleged to teach "an associated formula name." In addition, Spencer is silent as to "an associated routing name." As noted previously, Spencer is completely silent as to "routing."

For these additional reasons, Applicants respectfully assert that Claim 22 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 23-30 depend from Independent Claim 22. Applicants respectfully assert that these claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these claims.

With respect to Claim 31, Applicants respectfully assert that this claim overcomes the rejections of record for the same rationale presented previously with respect to Claim 1. For this reason, Applicants respectfully assert that Claim 31 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

Claims 32-41 depend from Independent Claim 31. Applicants respectfully assert that these claims overcome the rejections of record as they depend from an allowable base claim, and respectfully solicit allowance of these claims.

Applicants respectfully assert that Independent Claim 42 overcomes the rejections of record for the same rationale presented previously with respect to Claim 1. For this reason, Applicants respectfully assert that Claim 42 overcomes the rejections of record, and respectfully solicit allowance of this Claim.

35 USC § 103 Rejections

Claims 3, 12, 15, 19, 24 and 33 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Spencer in view of the citation, <http://webarchive.org/web/20000609155904/http://allrecipes.com/> ("Allrecipe"). Applicant has reviewed the cited teaching and respectfully asserts that Spencer in view of Allrecipe does not render obvious embodiments of the present invention as recited in Claims 3, 12, 15, 19, 24 and 33.

Claims 3, 12, 15 and 19 depend from Independent Claim 1. Claim 24 depends from Independent Claim 21. Claim 33 depends from Independent Claim 31. Applicants respectfully assert that Claims 3, 12, 15, 19, 24 and 33 overcome the rejections of record as these claims depend from allowable base claims, and respectfully solicit allowance of these claims.

Applicants respectfully assert that there is no suggestion in Spencer in view of Allrecipe to realize the claimed combination. Applicants respectfully assert that Spencer (a spreadsheet software aid) would not commend itself to one of ordinary skill in the art in considering the problems solved by embodiments of the present invention, and there are no suggestions in either reference to this end.

For this additional reason, Applicants respectfully assert that Claims 3, 12, 15, 19, 24 and 33 overcome the rejections of record and respectfully solicit allowance of these claims.

Moreover, with respect to Claims 3, 24 and 33, Applicants respectfully assert that Spencer in view of Allrecipe does not teach or suggest “wherein said tree structure further comprises: laboratory name; product name; and owner name” as recited by Claims 3, 24 and 33. Applicants respectfully assert that the rejection improperly equates “laboratory name” with a universal resource locator (URL) (allrecipes.com). Applicants respectfully assert that one of ordinary skill in the art would recognize that a URL is not the recited “laboratory name.”

Further, Applicants respectfully assert that the rejection improperly equates “owner name” with a person who submitted a recipe. Applicants respectfully assert that one of ordinary skill in the art would recognize that “submitting” a recipe is not equivalent to “owning” that recipe.

For example, one posting a recipe to Allrecipe.com agrees to give up most, if not all rights to the submission and has no further control over the recipe:

By submitting this recipe (a poster agrees) to the following:

You agree that Allrecipes.com may modify the recipes you are submitting by, among other things, making editorial revisions.

You agree that Allrecipes.com may use, reproduce, display, distribute and make derivative works of the recipes you are submitting royalty-free (that is, without compensation to you) for any purpose, commercial or otherwise, and in any medium (including but not limited to print, film, or electronic storage devices) and may grant the same rights to third parties.
(<http://web.archive.org/web/20000611135212/allrecipes.com/legal.asp>)

For these additional reasons, Applicants respectfully assert that Claims 3, 24 and 33 overcome the rejections of record and respectfully solicit allowance of these claims.

With respect to Claim 15, Applicants respectfully assert that Spencer in view of Allrecipe does not teach or suggest “a recipe quantity window, wherein said recipe step quantity window is operable to edit items comprising: recipe description; recipe type; activity factor; and capacity” as recited by Claim 15. Applicants respectfully assert that the rejection improperly equates the recited “activity factor” with “preparation time and cook time and capacity.”

The term “factor” refers to a number, e.g., “one of two or more numbers having a designated product” (American Heritage Dictionary, Office Edition). “Activity factor” is defined in the present application with respect to Claim 15 as “the number of times an activity is performed.” Applicants respectfully assert that Spencer in view of Allrecipe is silent as to any application of a number to describe a number of times an activity is performed.

For this additional reason, Applicants respectfully assert that Claim 15 overcomes the rejections of record and respectfully solicit allowance of this claim.

Additionally, Applicants respectfully assert that the entry field of Allrecipe referenced by the rejection of Claim 15 is free-form and can accept any combination of alphanumeric character input, e.g., a poem. Consequently, this

portion of Allrecipe actually teaches away from the recited “recipe quantity window... operable to edit... activity factor.”

For this yet additional reason, Applicants respectfully assert that Claim 15 overcomes the rejections of record and respectfully solicit allowance of this claim.

Claims 10, 28 and 40 stand rejected under 35 USC § 103(a) as allegedly being unpatentable over Spencer in view of Ishikawa (US 6,281,900 “Ishikawa”). Applicant has reviewed the cited reference and respectfully asserts that Spencer in view of Ishikawa does not render obvious embodiments of the present invention as recited in Claims 10, 28 and 40.

Claim 10 depends from Independent Claim 1. Claim 28 depends from Independent Claim 21. Claim 40 depends from Independent Claim 31. Applicants respectfully assert that Claims 10, 28 and 40 overcome the rejections of record as these claims depend from allowable base claims, and respectfully solicit allowance of these claims.

Applicants respectfully assert that the combination of Spencer in view of Ishikawa is improper as the two references represent non-analogous art. Applicants respectfully assert that Spencer (a spreadsheet software aid) would not commend itself to one of ordinary skill in the art in considering the problems solved by embodiments of the present invention. For this additional reason, Applicants respectfully assert that Claims 10, 28 and 40 overcome the rejections of record, and respectfully solicit allowance of these claims.

CONCLUSION

Claims remaining in the present patent application are Claims 1 – 42. Applicants respectfully request consideration of these claims in view of the arguments presented herein.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present application.

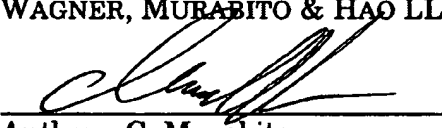
Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Respectfully submitted,

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